

REMARKS

Claims 1 to 25 are pending, and claims 1-13, 18, and 22 are withdrawn from consideration.

The Examiner has required the election of and restriction to one of the following Groups:

- Species I: Structure elements (1), (2), (3), and (4);
- Species II: Structure elements (1), (2), (3), and (5);
- Species III: Structure elements (1), (3), (4), and (5);
- Species IV: Structure elements (1), (2), (4), and (5).

Applicants herewith elect species IV above which includes structure elements (1), (2), (4), and (5). Applicants respectfully traverse the restriction requirement, and request reconsideration.

Applicants respectfully submit that the restriction requirement is determined under the unity of invention standard as recited in PCT articles because the present application is a national stage application under 37 USC 371. *See* MPEP §802.

According to Rule 13.2 of the PCT and 37 CFR 475, the unity of invention is fulfilled when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. Applicants respectfully assert that the instant claims satisfy the unity of invention standard as indicated in the Administrative Instructions Under the PCT Annex B, (f)(i).

As indicated in Annex B, (f)(i), when a single claim defines alternatives, unity of invention is considered to be met when :

- (1) all the alternatives have a common property or activity, and
- (2) a common structure is present, i.e. a significant structural element is shared by all alternatives or where the common structure cannot be the unifying criteria, all alternatives belong to a recognized class of chemical compounds

Applicants respectfully assert that the present claims satisfy the above criteria and therefore unity of invention is fulfilled. Applicants respectfully note that the alternatives

as identified by the Examiner have a common property according to Annex B, (f)(i)(A). As recited in the application, the claimed composition provides improved corrosion protection, improved adhesion for subsequent coatings (e.g. finishing or metal deposition), passivation or smoother surfaces (in the case of polishing, pickling or electropolishing). *See* Application, page 2, lines 8-16. It is also stated that “compositions containing the polymer (component A) used according to the invention have good inhibiting effect and ensure good adhesion of protective films or of coating applied thereon...” *See* Application, page 4, lines 16-21. Therefore Applicants respectfully assert part (1) of the above criteria is satisfied.

Furthermore, Applicants respectfully assert that a common structure is present in all alternatives according to Annex B, (f)(i)(B)(1). Applicants respectfully note that in claim 14, structural element (1) is present in each of the alternatives indicated by the Examiner. Furthermore, as component A in claim 14 is a polymer, structural element (1) can be considered a “significant structural element” according to Annex B, (f)(ii).

In view of the above Applicants respectfully submit that the criteria according to Annex B, (f)(i) is satisfied and therefore unity of invention is fulfilled. Thus, Applicants respectfully request that the restriction requirement be withdrawn.

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Respectfully submitted,  
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